

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION  
BEFORE THE SOUTH CAROLINA REAL ESTATE COMMISSION**

**IN THE MATTER OF:**

**LESLIE KYLE RUSH,**

**License Number REL.81872 (Inactive-  
Broker)**

**Case # 2012-276**

Respondent.

**FINAL ORDER**

This matter came before the South Carolina Real Estate Commission ("Commission") on September 17, 2014, as a result of the Notice of Hearing and Formal Complaint which was served upon the Respondent at his last known address of record. A quorum of Commission members was present. The Hearing was held pursuant to S.C. Code Ann. §§ 40-1-70(6) and 40-57-60(2) (1976, as amended), and the provisions of the Administrative Procedures Act, S.C. Code Ann. § 1-23-10, *et seq.* (1976, as amended). Lauren Kearney, Assistant Disciplinary Counsel, represented the State. The Respondent was not present and was not represented by Counsel.

Respondent was charged with violation of S. C. Code Ann. §§40-57-145(A) (24) (1976 amended).

**Witness**

1. John Sowell, South Carolina Labor, Licensing and Regulation ("LLR") Investigator.

**Exhibits**

- State's Exhibit 1: Notice of Hearing, Formal Complaint, Certificate of Service, returned certified mail green card and LLR Release Respondent address of record.
- State's Exhibit 2: Investigator Sowell's letter to Respondent dated November 5, 2012.

**FINDINGS OF FACT**

1. Respondent was licensed by the Commission as a Real Estate Broker and the Commission has jurisdiction over the Respondent and the subject matter of this action. Respondent's Broker license is presently inactive.
2. The State submitted that Respondent was served at his address of record, 3356 Richards Crossing in Fort Mill, South Carolina. The certified mail green card was return as unclaimed and unable to forward, but the USPS mail was not returned.

3. On July 16, 2012, LLR received an initial complaint against Respondent regarding his conduct in various real estate transactions.
4. LLR Investigator John Sowell testified that in September 2012, he called Respondent to schedule a time to meet to discuss the initial complaint. Respondent advised that he would meet with Investigator Sowell after discussing the case with his attorney. Investigator Sowell testified that Respondent never called him back.
5. Investigator Sowell testified that he mailed a letter dated November 5, 2012, to Respondent requesting a meeting and Respondent did not respond to the letter. Investigator Sowell acknowledged that there was an error in the spelling of the street name of the address within the letter sent to Respondent, but the letter was not returned to LLR by the USPS as undeliverable.
6. Investigator Sowell testified that he never talked to the Respondent.
7. The State submitted that this case was previously scheduled for a hearing for Respondent's failure to cooperate with the Commission investigation and Respondent contacted Ms. Kearney for a continuance. The continuance was granted, but there was no further contact from the Respondent.

### **CONCLUSIONS OF LAW**

Based upon careful consideration of the facts in this case, the Commission finds and concludes as a matter of law that:

1. The Commission has jurisdiction in this matter pursuant to S.C. Code §§40-1-115 and 40-57-60 (2), and, upon finding that a Respondent has violated the statutes or regulations of the Commission, the Commission has the authority to order the revocation, suspension, or cancellation of a license to practice. Additionally, the Commission may assess a fine and impose a public reprimand. Upon a determination by the Commission that discipline is not appropriate, the Commission may issue a non-disciplinary letter of caution. S.C. Code Ann. §§ 40-57-150 and 40-1-120.
2. Respondent violated S.C. Code Ann. §40-57-145 (A) (24) (1976, as amended), in that Respondent failed, upon probable cause of an investigator of the Commission, to make all records required to be maintained under this chapter available to the Commission for inspection and copying by the Commission, and/or failed to appear upon probable cause for an interview with an investigator of the Commission.

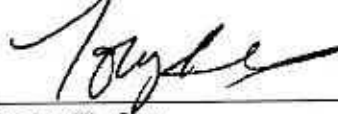
**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that:

1. Respondent shall pay a penalty of Five hundred dollars (\$500). This penalty shall be due within Forty-five (45) days of the date of this Order.

2. Respondent's inactive license, REL.81872 shall be revoked.

**AND IT IS SO ORDERED.**

**SOUTH CAROLINA REAL ESTATE COMMISSION**



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**Tony K. Cox**  
**Chairman**

October 30, 2014